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TAGS: PHUM PREL PREF TX BU

SUBJECT: BULGARIA: HAJIEV NOT LIKELY TO BE EXTRADITED SOON

REF: SECSTATE 46683

Classified By: A/DCM Brad Freden for reasons 1.4 (b) ad (d)

¶1. (SBU) On April 10, we delivered reftl points to the Head of International Cooperation Department at the Ministry of Justice, Georgi Rupchev. Rupchev was not familiar with the details of Hajiev's extradition case, but said that Turkmenistan's spotty human rights record justified our concerns. While the MOJ can't get involved in a ongoing court case, Rupchev promised to pass on concerns to the Minister of Justice. He is confident that the courts' denial of Hajiev's extradition in 2003 will play a role in the pending case

¶2. (SBU) In an April 11 meeting, the Head of MFA's Human Rights Department, Ivailo Ivanov, said he'll pass our concerns to the relevant ministries, but stressed that the government cannot infringe on the judiciary's independence. He expressed hope, however, that the court would deny extradition and uphold Bulgaria's international human rights record.

¶3. (C) Separately, the office of UN High Commissioner for Refugees told us that they have taken an active role in the case. According to legal advisor Davor Sopf, UNHCR wrote two letters to the court underlining Bulgaria's responsibility to protect Hajiev as a de facto asylum seeker. Sopf clarified that while Hajiev does not have refugee status, he does have a pending refugee application (filed from jail), which grants him the right to protection against refoulement. The court apparently reacted positively to UNHCR's input and requested more information on the refugee application. Sopf sees this as a positive sign that the court gives UNHCR's arguments due consideration. He is grateful to have USG backing, and we agreed to coordinate our strategies on the case.

¶4. (C) COMMENT: Hajiev's hearing is set for April 12. If the court rules to extradite, he has two chances to appeal, a process that could take two to six weeks. We will continue to monitor the case closely and stress our position against extradition. While the GOB cannot formally intervene as long as the case is before the court, the government is now well aware of our concern. We are confident that this, combined with UNHCR's direct engagement with the court, makes it less likely that Hajiev will be extradited any time soon. END COMMENT.

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